

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

TRAFALGAR POWER INC. and
CHRISTINE FALLS CORPORATION,

Plaintiffs,

vs

5:99-CV-1238
(Lead Case)

AETNA LIFE INSURANCE COMPANY;
ALGONQUIN POWER CORPORATION,
INC.; ALGONQUIN POWER INCOME
FUND; and ALGONQUIN POWER FUND
(CANADA) INC.;

Defendants.

ALGONQUIN POWER CORPORATION, INC.;
ALGONQUIN POWER INCOME FUND; and
FRANKLIN INDUSTRIAL COMPLEX, INC.;

Plaintiffs,

vs

5:00-CV-1246
(Member Case)

TRAFALGAR POWER, INC.; CHRISTINE
FALLS CORPORATION; and PINE RUN OF
VIRGINIA, INC.;

Defendants.

IN RE:

MARINA DEVELOPMENT, INC.; FRANKLIN INDUSTRIAL
COMPLEX, INC.; CHRISTINE FALLS OF NEW YORK, INC.;
TRAFALGAR POWER, INC.; PINE RUN OF VIRGINIA, INC.;

Debtors

MARINA DEVELOPMENT, INC.; TRAFALGAR
POWER, INC.; CHRISTINE FALLS OF NEW
YORK, INC.; FRANKLIN INDUSTRIAL COMPLEX,
INC.; and PINE RUN OF VIRGINIA, INC.;

Plaintiffs,

vs

ADV. PRO. NO. 02-80005

ALGONQUIN POWER CORPORATION, INC.;
ALGONQUIN POWER SYSTEMS, INC.; ALGONQUIN
POWER FUND (CANADA), INC.; ALGONQUIN
POWER INCOME FUND; ALGONQUIN POWER
SYSTEMS NEW HAMPSHIRE, INC.; ALGONQUIN
POWER (U.S.) HOLDINGS, INC.; AETNA LIFE
INSURANCE COMPANY; CIT CREDIT GROUP,
INC., fka NEWCOURT CREDIT GROUP, INC.;
CANADIAN INCOME PARTNERS I LIMITED
PARTNERSHIP;

Defendants.

DAVID N. HURD
United States District Judge

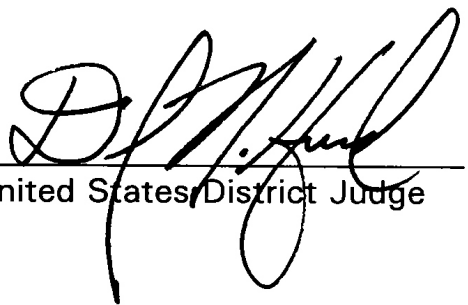
ORDER

Pursuant to the oral decision of the Court, entered into the record after hearing oral
argument on December 19, 2006, in Utica, New York, it is hereby

ORDERED that

1. Algonquin's motion for partial summary judgment is GRANTED;
2. Aetna's motion for summary judgment is GRANTED;
3. All causes of action relating to the A Note are DISMISSED; and
4. Aetna is DISMISSED from the action.

IT IS SO ORDERED.



United States District Judge

Dated: December 19, 2006
Utica, New York.